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Paper No. 13

In re Application of
Heinz Focke *et al*
Application No. 09/990,796
Filed: November 14, 2001
Attorney Docket No. 20605.007US

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: DECISION ON PETITION
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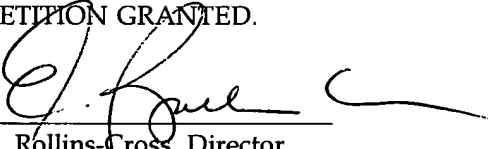
This is a decision on the petition filed by facsimile transmission on June 23, 2004 by which petitioners request withdrawal of the examiner's holding that this application stands abandoned for failure to file a timely and proper reply to the Office letter dated October 21, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioners allege that the application is not abandoned because a reply to the Office letter in question was actually filed on February 20, 2004, together with a petition for a one month extension of time and the fee for the extension. Petitioners have supported this allegation by furnishing a copy of the reply and a copy of the petition for extension of time. A copy of the transmittal letter for these papers has also been furnished by petitioners, and the transmittal letter has affixed thereto a 37 CFR 1.8(a) certificate of mailing dated February 20, 2004, a date within the period for filing a reply to the Office letter in question, as extended. Based upon this evidence, it is clear that this application is not abandoned. In particular, see 37 CFR 1.8(b). It is also noted that Office financial records confirm receipt of all fees required by the reply and the petition for extension of time.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner for entry of the reply and the petition for extension filed on February 20, 2004. Thereafter, the application will be forwarded to the examiner for action on the reply.

PETITION GRANTED.


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